



Legislative Bulletin.....April 29, 2003

Contents:

- H.Res. 161**—Recognizing the achievements of Operation Respect, the "Don't Laugh At Me" programs, and Peter Yarrow
- H.Res. 107**—Commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization, and its president, Alvin Rohrs
- H.Res. __**—Congratulating charter schools, students, parents, teachers, and administrators across the Nation for their ongoing contributions to education
- H.Con.Res. __**—Extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.
- S.Con.Res. 37**—A concurrent resolution expressing support for the celebration of Patriot's Day and honoring the Nation's first patriots
- H.Res. 173**—Recognizing the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expressing strong support for the continued success of the National Wildlife Refuge System
- H.R. 274**—Blackwater National Wildlife Refuge Expansion Act
- S. 162**—Gila River Indian Community Judgment Fund Distribution Act

H.Res. 161—Recognizing the achievements of Operation Respect, the "Don't Laugh At Me" programs, and Peter Yarrow (Miller, George)

Order of Business: The resolution is scheduled to be considered on Tuesday, April 29th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 161 would resolve that "Operation Respect, the 'Don't Laugh At Me' programs, and Peter Yarrow are commended for their major contributions to the sound emotional development, personal growth, and physical safety of children throughout the United States."

Additional Background: Operation Respect is a non-profit organization that, according to its website, works to "transform schools, camps and organizations focused on children and youth, into more compassionate, safe and respectful environments. Founded by Peter Yarrow of the folk group Peter, Paul & Mary, the organization disseminates educational resources that are designed to establish a climate that reduces the emotional and physical cruelty some children inflict upon each other by behaviors such as ridicule, bullying and-in extreme cases-violence." Mr. Yarrow developed the "Don't Laugh at Me" programs (one for grades 2-5,

another for grades 6-8, and a third for summer camps and after-school programs), which incorporate music, video, and conflict-resolution techniques.

The resolution points out that “the National Conference of State Legislatures passed a resolution on August 12, 2001, encouraging funding and other support from States for professional development of educators in this arena....”

GuideStar (<http://www.GuideStar.org/>) reports that Operation Respect received \$19,600 in government grants in tax-year 2001 (which amounted to 2.3% of its total revenues). Further, a list of partners and supporters of Operation Respect includes several organizations that receive federal funding: <http://www.dontlaugh.org/Partnersandsupporters.htm>

For more information on Operation Respect and the “Don’t Laugh at Me” programs, visit this website: <http://www.dontlaugh.org/>

Committee Action: The resolution was referred to the Committee on Education and the Workforce on March 25, 2003, but was not considered by the Committee.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Res. 107—Commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization, and its president, Alvin Rohrs (Boozman)

Order of Business: The resolution is scheduled to be considered on Tuesday, April 29th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 107 would resolve that the House “commends and supports the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization, and its president, Alvin Rohrs.”

Additional Background: According to its website, SIFE is a non-profit organization that teaches the principles of free enterprise on more than 1400 university campuses in 33 countries. Guided by distinguished faculty advisors and supported by businesses around the world, SIFE Teams “teach important concepts through educational outreach projects, including market economics, entrepreneurship, personal and financial success, and business ethics to better themselves, their communities and their countries. Each year, SIFE competitions are held worldwide, drawing together thousands of students and business leaders to pay tribute to these extraordinary educational outreach projects.”

The text of the resolution points out that “Alvin Rohrs, SIFE President and Chief Executive Officer since 1983, successfully reversed the organization's fortune by seeking a diverse board of directors to energize the organization.” More than 200 corporate leaders now sit on SIFE’s Board of Directors: http://www.sife.org/dream_team.asp

According to GuideStar (<http://www.GuideStar.org/>), SIFE receives no government funding. Its \$6.5 million budget in tax-year 2001, for example, was raised totally from private contributions.

For more information on SIFE, visit this website: <http://www.sife.org/index.asp>

Committee Action: On February 26, 2003, the resolution was referred to the Committee on Education and the Workforce. On March 17, 2003, the resolution was referred to the Subcommittee on 21st Century Competitiveness. Neither body considered the resolution.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Res. __—Congratulating charter schools, students, parents, teachers, and administrators across the Nation for their ongoing contributions to education (Porter)

Order of Business: The resolution is scheduled to be considered on Tuesday, April 29th, under a motion to suspend the rules and pass the bill.

In the 107th Congress, similar legislation was passed:

- **H.Con.Res. 95** on May 1, 2001 by a vote of 404-6-7:
<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2001&rollnumber=91>
- **H.Con.Res. 386** on April 30, 2002 by a vote of 404-3-2:
<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=119>

Summary: H.Res. __ would resolve that:

- “the Congress acknowledges and commends the charter school movement and charter schools, students, teachers, and parents, across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system;
- “the Congress supports the Fourth Annual National Charter Schools Week held April 28 to May 2, 2003, an event sponsored by charter schools and grassroots charter school organizations across the Nation to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

- “it is the sense of the Congress that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week-long celebration in communities throughout the Nation.”

Additional Background: The resolution defines charter schools as “public schools authorized by a designated public entity and are responding to the needs of America’s communities, families and students and promote the principles of quality, choice and innovation.” Charter schools tend to be given more flexibility in return for accountability. Thirty-nine states, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools. The most recent are Iowa and Tennessee, both of which signed their charter school laws during the 2002 legislative session.

Almost 2,700 charter schools serving 684,000 students are now operating in 36 States, the District of Columbia, and the Commonwealth of Puerto Rico. States in which a charter school law has *not* been passed are Alabama, Kentucky, Maine, Maryland, Montana, Nebraska, North Dakota, South Dakota, Vermont, Washington, and West Virginia.

Congress has appropriated nearly \$1.0 billion for planning, startup, implementation, and dissemination of charter schools since the initial authorization of the Federal charter school grant program in 1994 under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

For more information on charter schools, visit this website:
http://www.uscharterschools.org/pub/uscs_docs/home.htm

Committee Action: The resolution was referred to the Education and the Workforce Committee today and thus was not considered by the Committee.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Con.Res. __—Extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people. (Linder)

Order of Business: The resolution is scheduled to be considered on Tuesday, April 29th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. ___ would resolve “that Congress and the American people extend heartfelt congratulations to the United States Capitol Police on the occasion of its 175th anniversary, and express the sincerest gratitude to the men and women of the United States Capitol Police and their families, and in particular the Eney, Chestnut, and Gibson families, for their devotion to duty and service in safeguarding the freedoms of the American people.”

Additional Background: Though the United States Capitol Police was officially established in 1828, the force traces its origins to 1801, when Congress moved from Philadelphia to Washington, D.C., and a lone watchman, John Golding, had the responsibility of guarding the Capitol (yet had no authority to arrest anyone).

Sergeant Christopher Eney died during a training exercise in 1984. Private First Class Jacob J. Chestnut and Detective John Michael Gibson were killed in the line of duty on July 24, 1998, when a man opened fire in the Capitol. These three men are the only Capitol Police officers to have lost their lives in the line of duty.

For more historical background on the Capitol Police, visit this website:

http://www.senate.gov/artandhistory/history/common/briefing/Capitol_Police.htm

Committee Action: The resolution was referred to the Committee on House Administration today and thus was not considered by the Committee.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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S.Con.Res. 37—Expressing support for the celebration of Patriot’s Day on April 19th and honoring the Nation’s first patriots (*Senator Kennedy*)

Order of Business: The resolution is scheduled to be considered on Tuesday, April 29th, under a motion to suspend the rules and pass the bill. It passed the Senate by unanimous consent on April 11, 2003.

Summary: S.Con.Res. 37 would resolve that Congress:

- “expresses support for the annual celebration of Patriot’s Day on April 19;
- “recognizes the extraordinary dedication to freedom demonstrated by the Nation’s first patriots during the earliest days of the Battle for Independence in April 1775; and
- “honors those first patriots who lost their lives in defense of liberty and freedom.”

Additional Background: The events of April 19, 1775, including Paul Revere’s famous ride and the subsequent American resistance at Lexington (which are widely regarded as the first actions in the American Revolution), are celebrated in Massachusetts and Maine every year as

part of Patriot's Day with a reenactment of Paul Revere's ride, battle reenactments and educational programs, parades, and civic activities.

Committee Action: On April 10, 2003, a nearly identical resolution (H.Con.Res. 149) was referred to the House Committee on Government Reform but has not been considered. S.Con.Res. 37 was “held at the desk” (not referred to any committee) in the House.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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**H.Res. 173—Recognizing the achievements and contributions of the
National Wildlife Refuge System on the occasion of its centennial
anniversary and expressing strong support for the continued success of the
National Wildlife Refuge System (*Boyd*)**

Order of Business: The resolution is scheduled to be considered on Tuesday, April 29th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 173 would resolve that the House:

- “recognizes the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary;
- “expresses strong support for the continued success of the National Wildlife Refuge System;
- “encourages the United States Fish and Wildlife Service in its efforts to broaden understanding and appreciation for the National Wildlife Refuge System by increasing partnerships on behalf of the refuge system to better manage and monitor wildlife and by continuing its support of wildlife dependent recreational activities as embodied in the Refuge System Improvement Act of 1997 (Public Law 105-57); and
- “reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.”

Additional Background: The National Wildlife Refuge System, operated by the United States Fish and Wildlife Service, marked its 100-year anniversary on March 14, 2003. Here’s how the National Wildlife Refuge Association describes the System (emphasis added):

The National Wildlife Refuge System contains 540 refuges and 3,000 waterfowl production areas located throughout all 50 states and several U.S. territories. At 95 million acres, it is the world's largest system of lands and waters whose primary purpose is the conservation of wildlife and habitat. Our national refuges provide homes for 700 bird species, 220 mammal species, 250 reptile and amphibian species, and more than 200 kinds of fish - including 25 percent of all federal threatened and endangered species. Not only are there more refuge lands than there are National Parks, . . . refuges are also more

widespread than any other system of lands in the country. And **the System is still growing**, making it possible for refuges to protect more of our natural heritage than ever. In the future, refuges will become conservation "hubs" - **envoys to adjacent private, state, and federal landowners, promoting conservation strategies beyond their boundaries consistent with the refuges' objectives.**

The National Wildlife Refuge System Improvement Act of 1997 (referenced above) made refuges, formerly managed as isolated habitats, part of an overarching mission (“to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans”) and mandated the implementation of compatibility standards and procedures (including those for recreational activities).

For more information on national wildlife refuges, visit this website:

<http://www.refugenet.org/>

Committee Action: On April 3, 2003, the resolution was referred to the Committee on Resources. On April 4, 2003, the resolution was referred to the Subcommittee on Fisheries Conservation Wildlife, and Oceans. Neither body considered the resolution.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 274—Blackwater National Wildlife Refuge Expansion Act (Gilcrest)

Order of Business: The bill is scheduled to be considered on Tuesday, April 29th, under a motion to suspend the rules and pass the bill.

An identical bill (H.R. 4807) passed the House by voice vote on July 15, 2002, but was never considered on the Senate floor. The text of this legislation was also attached as part of a House amendment to S. 990 by unanimous consent on November 15, 2002. The Senate never considered the amended version of S. 990.

Summary: H.R. 274 would authorize the Secretary of the Interior to acquire the 198-acre Garrett Island in Maryland for inclusion in the Blackwater National Wildlife Refuge.

The bill includes findings that Garrett Island:

- Is “a microcosm of the geology and geography of the region, including hard rock piedmont, coastal plain, and volcanic formations;”
- Is the only rocky island in the Chesapeake;
- Provides high-quality habitat for bird and fish species; and

- “Contains significant archeological sites reflecting human history and prehistory of the region.”

H.R. 274 also includes the following purposes for the establishment of the Garrett Island Unit in the Blackwater National Wildlife Refuge:

- (1) To support the Delmarva Conservation Corridor Demonstration Program;
- (2) To conserve, restore, and manage habitats as necessary to contribute to the migratory bird populations prevalent in the Atlantic Flyway;
- (3) To conserve, restore, and manage the significant aquatic resource values associated with submerged land adjacent to the unit and to achieve the habitat objectives of the agreement known as the Chesapeake 2000 Agreement;
- (4) To conserve the archeological resources on the unit; and
- (5) To provide public access to the unit in a manner that does not adversely impact natural resources on and around the unit.

Additional Background: Two private owners and the Cecil Land Trust currently own Garrett Island. According to Congressman Gilchrest’s office, the private owners support making the Island a part of the wildlife refuge. **The Bush Administration and local Maryland officials, however, have expressed opposition to it.**

Committee Action: On January 8, 2003, the resolution was referred to the Committee on Resources; and on February 12, 2003, the resolution was referred to the Subcommittee on Fisheries Conservation Wildlife, and Oceans. Though neither body considered the resolution this Congress, during the 107th Congress, identical legislation was the subject of subcommittee and full committee hearings and mark-ups.

Administration Position: According to *National Journal*, some local politicians have opposed the proposed federal purchase because development of the island is unlikely, given its restricted access. Nancy Gloman, chief of the division of conservation planning and policy for the Fish and Wildlife Service's wildlife refuge system, also expressed opposition at a hearing for last year’s legislation, “given our priorities and funding constraints.”

Cost to Taxpayers: CBO estimates a cost of \$800,000 in 2003 to acquire Garrett Island, with management costs of \$200,000 annually, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: The bill would authorize the Secretary of Interior to acquire land for inclusion in the Blackwater National Wildlife Refuge.

Constitutional Authority: The Committee on Resources, in House Report 107-562 (for H.R. 4807 last year), cites Article I, Section 8 (but fails to cite a specific clause) and Article IV, Section 3 (“power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States”).

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S. 162—Gila River Indian Community Judgment Fund Distribution Act (Senator McCain)

Order of Business: The bill is scheduled to be considered on Tuesday, April 29th, under a motion to suspend the rules and pass the bill. The bill passed the Senate by unanimous consent on March 13, 2003.

Summary: S. 162 would authorize the Gila River Indian Community to distribute a \$7 million judgment award from the federal government to eligible Community members and would waive the need for the Community to repay about \$700,000 in expert-assistance loans made by the Department of the Interior.

In 1951, the Gila River Indian Community filed a complaint before the Indian Claims Commission asserting a claim for the failure of the United States to protect the Community's use of water from the Gila and Salt Rivers. In 1972 and 1982, the Indian Claims Commission and U.S. Court of Claims found the U.S. liable to the Community.

In 1999, the Community agreed to a monetary settlement in the amount of \$7 million, for which final judgment was entered against the United States. The Treasury Department then certified the payment (minus attorneys fees) to be deposited in a trust account on behalf of the Community, which is currently being managed by the Interior Department's Office of Trust Funds Management.

Because the Community has had trouble establishing a distribution plan for the \$7 million, S. 162 sets such a plan, as agreed to by the Community and the Bureau of Indian Affairs. Specifically, the plan details how to count deceased people, minors, legally incompetent individuals, and unlisted eligible people in the distribution of the funds. Under S. 162, each eligible Community member (defined in the bill) would get about \$400. This legislation is therefore the final step in resolving the 1951 complaint.

Committee Action: The Senate-passed legislation was referred to the House Subcommittee on Water and Power (of the Resources Committee) on March 25, 2003, but was not considered by the Subcommittee.

Administration Position: The distribution plan in this legislation was designed in consultation with the Bureau of Indian Affairs.

Cost to Taxpayers: CBO reports that S. 162 would result in about a \$700,000 increase in mandatory spending over the next few years, when the government would otherwise have received the loan repayments forgiven by S. 162. The \$7 million payment was accounted for in the federal budget when it was made in 1999. Distributing the payment to Community members would have no budgetary impact.

Does the Bill Create New Federal Programs or Rules?: No. The bill outlines a distribution plan for an already-accounted-for monetary judgment against the United States.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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